

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE CONSUMER)
DATA SECURITY BREACH LITIGATION) MDL No. 1:19md2915 (AJT/JFA)
_____)

This Document Relates to the Consumer Cases

ORDER

On Friday, June 5, 2020, counsel appeared on behalf of the parties and presented argument on plaintiffs' motion to compel production of documents withheld on the basis of the bank examination privilege. (Docket no. 485). Counsel also appeared on behalf of the Board of Governors of the Federal Reserve System and the Office of the Comptroller of the Currency ("the Agencies") based on their motion to intervene to oppose plaintiffs' motion to compel. (Docket no. 521). Upon consideration of the motion to compel, memorandum in support, opposition, reply, and the Agencies' motion to intervene, memorandum in support, and reply (Docket nos. 485, 486, 510, 511, 513, 533, 534), and for the reasons stated during the hearing, the court finds that the federal common law bank examination privilege may be asserted by the Agencies as requested in their motion to intervene. It is hereby

ORDERED that Capital One shall provide the Agencies with a copy of the documents that Capital One has withheld from production as described in the Solomon declaration (Docket no. 513-2) and the Agencies are to provide a privilege log as to the documents that they believe are protected by the bank examination privilege and the reasons supporting that privilege within two weeks from the date of this order. Any documents that are not included on the Agencies' privilege log shall be produced to the plaintiffs by Capital One. Any documents currently being

